

REMARKS

Claims 1 and 2 are pending in the above-identified application. Applicants amend claim 2. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated June 23, 2005.

Claim 2 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In order to expedite prosecution, Applicants amend claim 2. In view of this amendment and the following remarks, Applicants respectfully request that the Examiner withdraw the rejection.

The feature -- *a clearance greater than a thickness of the signature* – is definite. The Examiner’s remarks underscore Applicants position (i.e., “the clearance could be any distance between the guide rails and the conveyance plane.) The feature -- *maintaining close contact to the guide surfaces* – is also definite. Applicants direct the Examiner’s attention to, for example, page 16, lines 11-27 of the specification. The feature -- *guided portions* -- in line 21 does not lack antecedent basis because this feature is not previously recited in claim 2 (i.e., claim 2 does not refer “the” or “said” when initially reciting “guided portions”.) However, to expedite prosecution, Applicants amend claim 2 to recite that the “guide unit comprises guided portions and sliders. In view of the above, Applicants respectfully request that the Examiner withdraw the §112 rejection of claim 2.

Claim 1 was rejected under 35 U.S.C. 102(b) as anticipated by *Kojima* (5,085,625) or, in the alternative, under 35 U.S.C. 103(a) as obvious over *Kojima*. Applicants respectfully traverse the Examiner's rejection for at least the following reasons.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. However, in this Action, the Examiner has mischaracterized the connection between the link 5 and the chopper blade 8 as a blade holder. Accordingly, *Kojima* fails to disclose, teach or suggest “*at least one guide unit with at least a linear guide rail connected to a linear slider wherein the linear slider is connected to the blade holder for restricting motion of the blade holder...*” [claims 1, 2.] Also, in FIG. 6 of *Kojima*, no prime mover is disclosed, and therefore, the crank arm 4 is not fixed to the output shaft of the prime mover. The component which the Examiner regards as the prime mover is a wheel connected to an unillustrated drive source via a belt or chain. This structure results in an increased size of the apparatus, which is a problem to be solved by the invention of the present application. Further, play of the chain or slippage of the belt causes generation of vibration, resonance, and noise, and lowers durability. Moreover, operation timing may change because of play in the chain or slippage of the belt, and therefore, the apparatus disclosed in *Kojima* cannot cope with an increase in operation speed. In view of this, the structural features which are clearly not disclosed in *Kojima* cannot be said to be obvious to a person of ordinary skill in the art. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to claim 1.

Claim 2 was also rejected under 35 U.S.C. 103(a) as being unpatentable over *Kojima* in view of *Desai et al* (3,817,139). As claim 2 depends from claim 1, it should likewise be allowable, by nature of its dependency. Also, Applicants respectfully submit the following additional reasons why claim 2 is not obvious in view of the teachings of the cited references.

As the Examiner acknowledges, *Kojima* does not disclose that the guide unit comprises sliders provided at opposite ends of the blade holder, and two guide rails arranged along the conveyance direction; that the guide rails are supported such that a clearance greater than a thickness of the signature is provided between the guide rails and the conveyance plane; and that guided portions of the sliders are movable, while maintaining close contact with the guide surfaces of the guide rails at all times.

Rather, *Desai* relates to a billet or slab sheering press and a drive mechanism therefore, and differs in technical field from the above-identified application.

Nevertheless, even assuming one were to combine the references, the combination would not result in the present invention. *Desai* discloses that the “slide 22 carries a removable shearing blade 26” (col. 4, lines 50-55) and that connector assemblies 82 attached to the top surface of slide member 22” (col. 5, line 67-col. 6, line 1.) Thus, the reference fails to disclose or suggest “the guide unit comprises sliders provided at opposite ends of the blade holder, and two guide rails arranged along the conveyance direction and adapted to guide the sliders...”

Desai discloses a cutting blade 26, a slide 22 to which the cutting blade 26 is fixed, and gibbings 24 for guiding the slide 22. However, the slide 22 is a member to which the cutting

blade 26 is fixed and corresponds to the blade holder of the present invention and differs from the slider of the present invention.

However, even in the case where the slide 22 of *Desai* is considered to correspond to a member obtained through integration of the blade holder and the slider of the present invention (in consideration of the fact that the slider of the present invention is fixed to the blade holder), *Desai* fails to disclose, teach, or suggest a structure in which two guide rails for individually guiding the sliders provided at the opposite ends of the blade holder are arranged along the conveyance direction of signatures. Although the Examiner seems to consider that the two gibbings 24 in *Desai* correspond to the “two guide rails arranged along the conveyance direction,” the two gibbings 24 are configured to guide one end portion of the slide 22, and correspond to only one of the guide rails of the present invention.

Also, the cutting blade 26 and the slide 22 of *Desai* are disposed perpendicular to the conveyance direction of workpieces W, and the gibbings 24 are provided on vertical portions extending vertically from the base portion such that they are located outside a conveyance zone in which the workpieces W are conveyed (that is, a widthwise zone within which the workpieces W are aligned by means of an alignment means 20). In contrast, the chopper blade and the blade holder of the above-identified application are arranged parallel to the conveyance direction of signatures, and the two guide rails for individually guiding the sliders provided at the opposite ends of the blade holder are provided, at positions within the conveyance zone of signatures, in an overhanging condition such that a clearance greater than the thickness of each signature is

formed under the guide rails. *Desai* fails to disclose this structural feature of the present invention.

Thus, the Examiner has mischaracterized the teachings of *Desai*. Therefore, even if one were to combine the references, the combination would not result in the present invention. *Desai* appears to disclose and teach that the “slide 22 carries a removable shearing blade 26” (col. 4, lines 50-55) and that connector assemblies 82 attached to the top surface of slide member 22” (col. 5, line 67-col. 6, line 1.) Therefore, *Desai* fails to disclose, teach, or suggest “the guide unit comprises sliders provided at opposite ends of the blade holder, and two guide rails arranged along the conveyance direction and adapted to guide the sliders...”

The structural features which are clearly not disclosed in *Kojima* are not obvious to a person of ordinary skill in the art even in view of the teachings of *Desai*. Accordingly, Applicants respectfully request that the Examiner withdraw the objection to claim 2.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No. 09/897,114
Attorney Docket No. 010797

Response under 37 C.F.R. §1.111

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Darrin A. Auito".

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